

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 HOUSE BILL 2317

By: Marti

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5
6 AS INTRODUCED

7 An Act relating to professions and occupations;
8 amending Section 4, Chapter 263, O.S.L. 2014, as
9 amended by Section 8, Chapter 285, O.S.L. 2016 (59
10 O.S. Supp. 2018, Section 360), which relates to
11 pharmacy benefits manager; modifying license and
12 accreditation requirements for certain persons; and
13 providing an effective date.

14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 1. AMENDATORY Section 4, Chapter 263, O.S.L.
16 2014, as amended by Section 8, Chapter 285, O.S.L. 2016 (59 O.S.
17 Supp. 2018, Section 360), is amended to read as follows:

18 Section 360. A. The pharmacy benefits manager shall, with
19 respect to contracts between a pharmacy benefits manager and a
20 provider:

21 1. Include in such contracts the sources utilized to determine
22 the maximum allowable cost (MAC) pricing of the pharmacy, update MAC
23 pricing at least every seven (7) calendar days, and establish a
24 process for providers to readily access the MAC list specific to
that provider;

1 2. In order to place a drug on the MAC list, ensure that the
2 drug is listed as "A" or "B" rated in the most recent version of the
3 FDA's Approved Drug Products with Therapeutic Equivalence
4 Evaluations, also known as the Orange Book, or has an "NR" or "NA"
5 rating or a similar rating by a nationally recognized reference, and
6 the drug is generally available for purchase by pharmacies in the
7 state from national or regional wholesalers and is not obsolete;

8 3. Ensure dispensing fees are not included in the calculation
9 of MAC price reimbursement to pharmacy providers;

10 4. Provide a reasonable administration appeals procedure to
11 allow a provider or a provider's representative to contest
12 reimbursement amounts within ten (10) business days of the final
13 adjusted payment date. The pharmacy benefits manager must respond
14 to a provider or provider's representative who has contested a
15 reimbursement amount through this procedure within ten (10) business
16 days. If a price update is warranted, the pharmacy benefits manager
17 (PBM) shall make the change in the reimbursement amount, permit the
18 challenging pharmacy to reverse and rebill the claim in question,
19 and make the reimbursement amount change effective for each
20 similarly contracted Oklahoma provider; and

21 5. If the reimbursement appeal is denied, the PBM shall provide
22 the reason for the denial, including the National Drug Code number
23 from national or regional wholesalers where the drug is generally
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1 available for purchase by pharmacies in the state at or below the
2 PBM's reimbursement.

3 B. The pharmacy benefits manager may not place a drug on a MAC
4 list, unless there are at least two therapeutically equivalent,
5 multiple-source drugs, or at least one generic drug available from
6 only one manufacturer, generally available for purchase by network
7 pharmacies from national or regional wholesalers.

8 C. The pharmacy benefits manager shall not require
9 accreditation or licensing of ~~providers other than~~ any provider
10 licensed or registered by the State Board of Pharmacy or other state
11 or federal government entity.

12 SECTION 2. This act shall become effective November 1, 2019.

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